

PUBLIC NOTICE

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION;
ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY;
POLK COUNTY, NATURAL RESOURCES DIVISION;
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION,
UNITED STATES DEPARTMENT OF COMMERCE; AND
UNITED STATES FISH AND WILDLIFE SERVICE,
UNITED STATES DEPARTMENT OF THE INTERIOR

NOTICE OF AVAILABILITY AND REQUEST FOR COMMENTS
ON A DRAFT DAMAGE ASSESSMENT AND RESTORATION PLAN
FOR THE MULBERRY PHOSPHATE, INC./ ALAFIA RIVER SPILL
OF DECEMBER 7, 1997

Pursuant to 43 C.F.R. §§11.32 and 11.81-.82, notice is hereby given that a document entitled "Draft Damage Assessment and Restoration Plan and Environmental Assessment for the December 7, 1997 Alafia River Spill" (Draft DARP/EA) is available for public review and comment. This document was prepared by the agencies listed above to address the natural resource injuries which resulted from the December 7, 1997 release of approximately 50 to 56 million gallons of acidic process water from a phosphoric acid/ fertilizer production facility owned and operated by Mulberry Phosphates, Inc. ("MPI") in Mulberry, Polk County, Florida (the "Incident"). It presents the agencies' assessment of the natural resource injuries resulting from the Incident and their proposed plan to restore, replace or acquire resources or services equivalent to those lost as a basis for compensating for the natural resource injuries which occurred.

The spill occurred on December 7, 1997, after a phosphogypsum stack wall at the MPI facility failed. The released process water flowed into and through Skinned Sapling Creek, into the North Prong of the Alafia River and traversed approximately 36 river miles to Tampa Bay over the course of the next week to 10 days. The material released contained or was comprised of one or more substances designated as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601 et seq. and the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. 1251 et seq., including phosphoric acid. The released process water exhibited a pH of approximately 2 standard units.

The released process water lowered the pH along 36 miles of the Alafia River to levels ranging from approximately 2.3 standard units in the upper freshwater portion of the Alafia River to 3.0-4.0 standard units in the lower, 10 mile estuarine portion, for several days. The released process water caused a fish kill in the Alafia River, readily observable injuries to shoreline and wetland vegetation in some areas in Polk County, and injuries to other natural resources, including the loss of resource services.

The Florida Department of Environmental Protection, Environmental Protection Commission of Hillsborough County, Polk County's Natural Resources Division, the National Oceanic and Atmospheric Administration of the U. S. Department of Commerce, and the U. S. Fish and Wildlife

Service of the U. S. Department of The Interior (collectively, the "Agencies") each have authority under state and/or federal laws to seek damages based on the natural resources injuries and losses which occurred. The Agencies are acting under these authorities to jointly assess these natural resource injuries and losses and to determine the restoration actions which should be undertaken to compensate for these public losses.

The Draft DARP/EA summarizes the Agencies' assessment of the injuries to freshwater wetland vegetation, fishery resources, and surface waters, including the known or potential duration of associated resource service losses, and identifies the restoration actions preferred for use to restore, replace or acquire resources or services equivalent to those lost as a basis for compensating for those injuries and losses. The document also considers the potential for injuries to other resources, such as migratory birds, and recreational fishing. The Draft DARP/EA identifies the restoration of riverine habitat as the preferred approach to restoring freshwater vegetation service losses, the restoration of estuarine habitat and reef creation as the co-preferred approaches to restoring the fishery biomass losses, and, to address nutrient loadings attributable to the spill, proposes to take into account the capacity of these projects to improve surface water quality through nitrogen removal in determining the final restoration scale. The document sets forth the alternatives considered and the basis for preferring the restoration actions proposed.

This notice invites interested members of the public to review and comment on the Draft DARP/EA within 30 days of the date of publication of this notice. Copies of the proposed plan may be requested from the NOAA Restoration Center - Southeast Region, ATTN: John Iliff, 9721 Executive Center Drive. N., Suite 114, St. Petersburg, FL 33702 or 727-570-5390 by fax. Comments on the proposed plan are to be submitted in writing to that same address/fax location. All written comments received within the comment period will be considered by the Agencies prior to adopting a final restoration plan.